

REMARKS

The Non-Final Office Action mailed on February 26, 2010 has been carefully considered. The following arguments present reasons why this application is in a condition for allowance.

Rejection Under 35 U.S.C. § 112—All Issues Raised by the Office Are Hereby Addressed

It is respectfully proposed that each of the § 112 issues raised by the Office are hereby remedied via amendment.

Rejection Under 35 U.S.C. § 101 — Under the New Bilski Standard and With the Proposed Amendments to the Claims, this Rejection is Believed to be Moot

The Office should note that the application of the machine/transformation test as the sole test for patentable subject matter as presented in the Office Action was unequivocally rejected by the Supreme Court of the United State under the holding of *In re: Bilski*. Because the rejection under 35 U.S.C. § 101 relies solely on the machine/transformation test, we respectfully submit that the rejection is improper and cannot be maintained.

Nevertheless, as a courtesy to the Examiner and to expedite prosecution, amendments have been proposed whereby the methods in question are tied to computers. Consequently, they meet the machine prong of the machine/transformation test, which is still useful as indicia of patentable subject matter.

We propose that the issues of patentable subject matter under 35 U.S.C. § 101 are resolved and courteously request this rejection be withdrawn.

**Rejection Under 35 U.S.C. § 102(e)—Each and Every Claim Limitation
Is Not Disclosed in Adams**

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Agrawal (U.S. Pat. Pub. 2004/0098313).

A claim rejection under 35 U.S.C. § 102 is improper where each and every claim limitation is not disclosed in a single patent reference. Here, Agrawal fails to disclose each and every claim limitation in claim 1, 10, and 16, which are the independent claims. Each of the dependent claims contain the claim limitations of the independent claims that are undisclosed in Agrawal. Therefore, the rejection under 35 U.S.C. § 102(e) should be withdrawn because each and every claim limitation of the claims are not disclosed in Agrawal.

Agrawal generally describes a commerce system that allows third party sellers to utilize Amazon.com's sales engine. Naturally, Agrawal discloses crossover between the third party website and Amazon.com's website. However, Agrawal nowhere describes a process for verifying legitimate users attempting to view content from the third party website from Amazon.com and visa versa via an interim webpage requiring the user to take an action to ensure the user is a legitimate visitor to the desired website.

The Office argued that Fig. 22, as well as paragraphs [191] and [197], disclose the use of an interim webpage. Specifically, the office relies on the following statement in Agrawal to support its case:

[T]he service provider site 66 processes the 1-Click transaction, and redirects the pop-up buy box window to a "thank you" page informing the user that no further user action is required (event 9). The service provider site 66 could alternatively present a confirmation page requiring the user to select a "confirm order" button to complete the order.

As the Office will readily note, however, the “thank you” page or “confirm order” page occurs after the user has accessed the third party website, not before as required in the claims. For example, note the flow in Fig. 22:

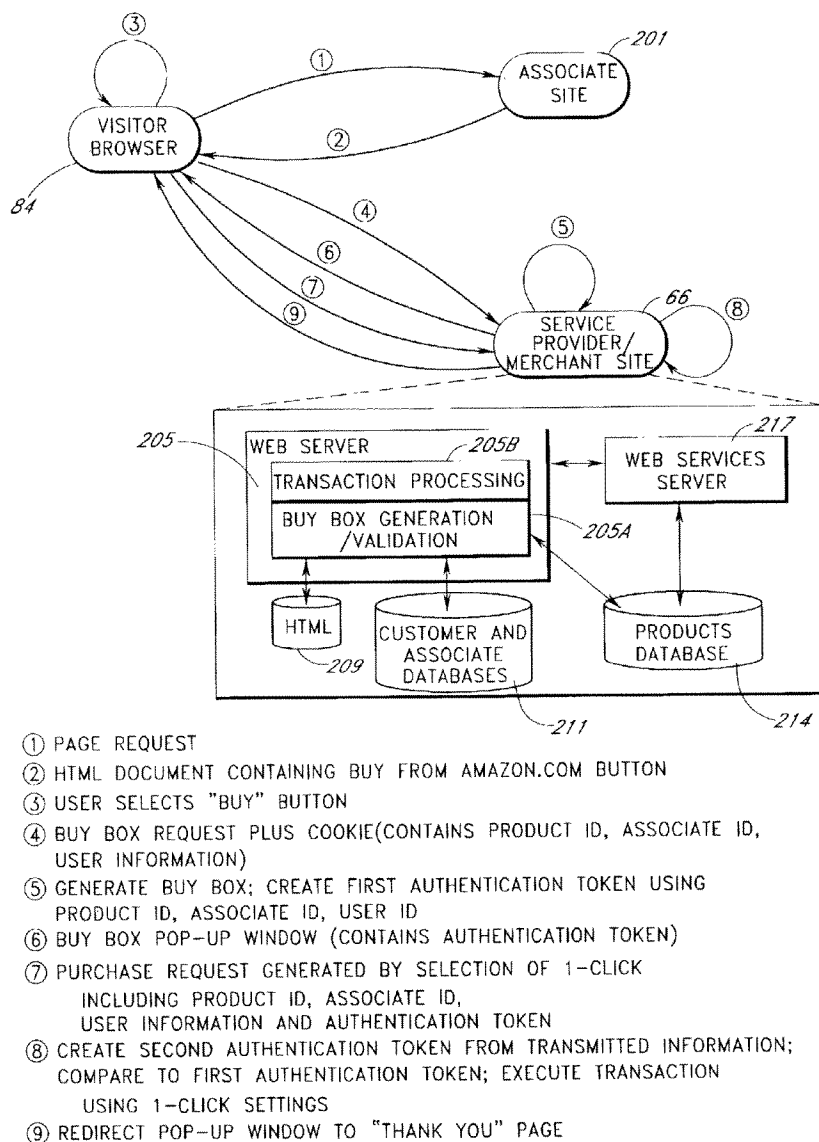


FIG. 22

Fig. 22 illustrates that the “thank you” or “confirm order” step occurs at the end of the transaction (circle/event 9). Conversely, the claims require that the access operation occurs before the content from the second website is accessed.

Moreover, the access of the second website must occur through the use of an interim landing page. The focus of this application is to prevent advertising revenues from being improperly calculated by search engine bots, etc. that “click” advertising links, but are not traffic that an advertiser wants to pay for. Bots cannot navigate through the interim page, thereby preventing the counting of irrelevant traffic in the determination of advertising campaigns, for example. Agrawal nowhere discloses using an interim landing page to control access to the third party website.

Because Agrawal is not concerned with revenues based on advertising traffic, users are able to access the content prior to receiving the “thank you” or “confirmation page.” According to the claims, the access to the content is only available after the receipt of the access operation input. Thus, neither of these pages are an “interim landing page” as defined in this application. Moreover Agrawal fails to disclose an interim page that prevents access of content from the second website until the access operation input is received.

Therefore, Agrawal fails to disclose each and every claim limitation. It is respectfully submitted that the rejection under 35 U.S.C. § 102(e) should be withdrawn and the claims allowed.


Three months extension of time is courteously requested. The Director is authorized to charge \$1,110 for a three month extension of time. The Director is also authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2298**. Please ensure that Attorney Docket Number 31948-1020 is referred to when charging any payments or credits for this case.

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PATENT
Docket No. 31948-1020

Respectfully submitted,

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Marlan D. Walker
Reg. No. 56,928

Customer Number 45263
LUCE FORWARD HAMILTON
& SCRIPPS
2050 Main Street, Suite 600
Irvine, CA 92614
Phone: (949) 732-3700
Fax: (949) 732-3739

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